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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,340	07/14/2001	Myles Jordan	655/62435	3753
5073	7590	01/11/2006		EXAMINER
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			CALLAHAN, PAUL E	
			ART UNIT	PAPER NUMBER
			2137	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/905,340	JORDAN, MYLES
	Examiner	Art Unit
	Paul Callahan	2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 October 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Claims 1-19 were pending in this application at the time of the previous Office Action. New claims 20 and 21 have been added by the latest amendment. Therefore claims 1-21 are pending and have been examined.

Response to Arguments

2. Applicant's arguments filed 10-14-2005 have been fully considered but they are not persuasive.

The applicant asserts that Nachenberg fails to teach the features of claim 1 regarding an "exception handler" The common definition of the term is that an exception handler is a section of code which defines the recovery actions to be performed in response to exceptions raised within that code. The teaching of Nachenberg do indeed meet this definition at the passages cited.

The applicant asserts that Nachenberg fails to teach a "Pointer to an exception handler" yet such is indeed taught by Nachenberg at the passages cited, for example col. 3 lines 54-59.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nachenberg (US 5,826,013).

As for claims 1, 13, 16, and 21, Nachenberg teaches a method of detecting a computer virus comprising: emulating computer executable code in a subject file (col. 6 lines 45-48), and detecting at least one modification to a memory state of a computer system, wherein the at least one modification is caused by the emulation of the computer executable code (col. 6 line 54 through col. 7 line 8, col. 12 line 64 through col. 13 line 10), and comprises installation of an exception handler or an interrupt handler (col. 3 lines 37-46, col. 4 lines 24-31).

As for claims 2, 5, 14, and 17, Nachenberg teaches the at least one modification comprises installation of an interrupt handler (col. 3 lines 37-46, col. 4 lines 24-31), and the emulated computer executable code comprises instructions for forcing of a corresponding exception (col. 3 lines 37-46, col. 4 lines 24-31).

As for claims 3, 4, 6, 15, and 18, Nachenberg teaches detection of the writing of a new pointer to at least one predetermined memory address in a system memory for storing an exception handler pointer (col. 3 lines 54-59, col. 12 lines 64 through col. 13 line 10).

As for claim 7, and 19, Nachenberg teaches detecting use of a predetermined instruction to retrieve an address in a system memory corresponding to an interrupt descriptor table (col. 9 lines 24-32, col. 11 lines 23-28).

As for claims 8 - 11, claims 8, 9, and 11 are directed to the computer program product embodied in a memory medium causing a computer system to carry out the method of claim 1 via transmission of the data signal of claim 10. Therefore these claims are rejected on the same basis as is claim 1.

As for claim 12, Nachenberg teaches a detector that monitors a system memory (col. 4 lines 25-29).

As for claims 20, Nachenberg teaches a first and a second memory component wherein access to the first memory component is more restricted than is access to the second memory component (abstract, fig 2)

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is: (571) 273-8300.

1-6-06

Paul Callahan

E. Moise
EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER